

**SITE PLAN REVIEW SHEET  
ENVIRONMENTAL VARIANCE REQUEST ONLY**

**CASE:** SP-2017-0306C

**ZAP COMMISSION DATE:** April 17<sup>th</sup>, 2018

**PROJECT NAME:** La Mexicana Supermercado

**APPLICANT:** TATI Investments Group, LLC

**AGENT:** Cuatro Consultants Ltd.  
(Hugo Elizondo, Jr. P.E.)

**ADDRESS OF SITE:** 2004 E William Cannon Drive

**COUNTY:** Travis

**AREA:** 9.80 acres

**WATERSHED:** Williamson Creek

**JURISDICTION:** Full Purpose

**EXISTING ZONING:** LR, MF-3

**PROPOSED DEVELOPMENT:**

The applicant is proposing to construct a convenience store.

**DESCRIPTION OF VARIANCES:**

The applicant is proposing construction on slopes associated with the access drive and parking lot, fill on slopes associated with the access drive and parking lot, and cut on slopes associated with the water quality pond.

**STAFF RECOMMENDATION:**

The findings of fact have been met and staff recommends approval for:

- Construction on slopes associated with the access drive
- Fill on slopes associated with the access drive and;
- Cut on slopes associated with the water quality pond.

The findings of fact have **not** been met and staff does **not** recommend approval for:

- Construction on slopes associated with the parking lot,
- Fill on slopes associated with the parking lot, and;
- Cut on slopes associated area outside the water quality pond footprint.

**ENVIRONMENTAL BOARD ACTION:**

**March 21<sup>st</sup>, 2018:**

The Environmental Commission recommends support of the following variance request:

- Construction on Slopes associated with the Access Drive and Parking Lot
- Fill on Slopes associated with the Access Drive and Parking Lot
- Cut on Slopes associated with the Water Quality Pond

The Environmental Commission did **not** recommended the following:

- Construction on Slopes associated with the Driveway that went to the back of the property
- Fill on Slopes associated with the Driveway that went to the back of the property
- Cut on Slopes associated Area Outside the Water Quality Pond Footprint

The applicant would like to pull the “not recommended” variances from consideration in hopes of pursuing other variances in the next 12 months.

**ZONING AND PLATTING COMMISSION ACTION:**

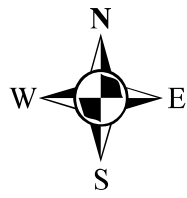
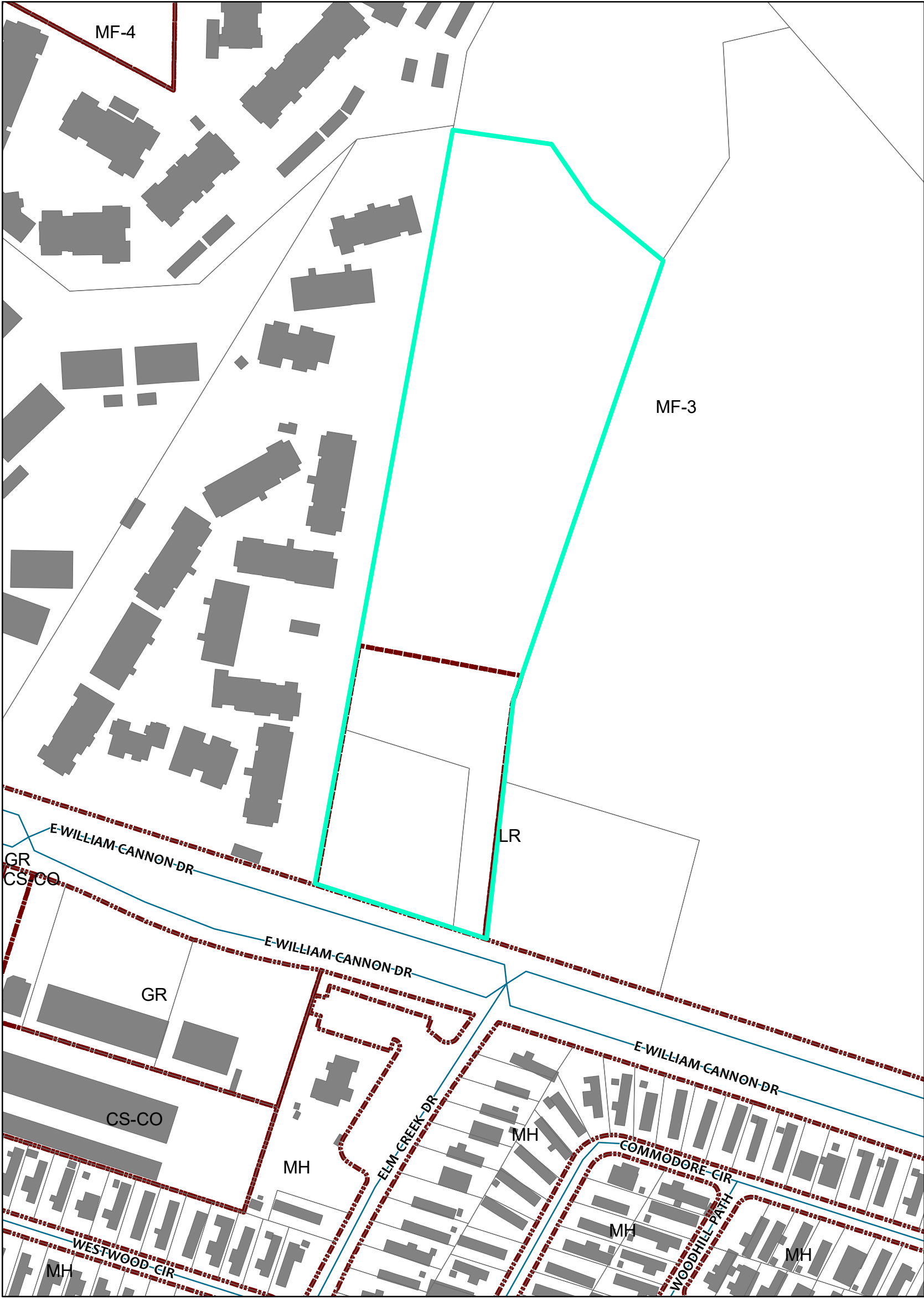
N/A

**ENVIRONMENTAL REVIEW STAFF:** Atha Phillips  
[Atha.Phillips@austintexas.gov](mailto:Atha.Phillips@austintexas.gov)

**PHONE:** 974-6303

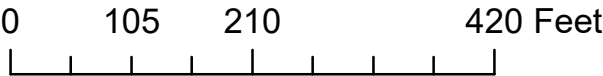
**CASE MANAGER:** Clarissa Davis  
[Clarissa.Davis@austintexas.gov](mailto:Clarissa.Davis@austintexas.gov)

**PHONE:** 974-1423



**Legend**

 Zoning



CASE#: SP-2017-0306C  
ADDRESS: 2004 E William Canon Road  
CASE NAME: La Mexicana Supermercado  
MANAGER: Clarissa Davis

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by the Planning and Development Review Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

OPERATOR: Clarissa Davis



## ENVIRONMENTAL COMMISSION VARIANCE APPLICATION FORM

## PROJECT DESCRIPTION

## Applicant Contact Information

Name of Applicant	Hugo Elizondo, Jr., P.E./Cuatro Consultants, Ltd.
Street Address	3601 Kyle Crossing, Suite A
City State ZIP Code	Kyle, TX 78640
Work Phone	512-312-5040
E-Mail Address	

## Variance Case Information

Case Name	La Mexicana Supermercado
Case Number	SP-2017-0306C
Address or Location	2004 E. William Cannon
Environmental Reviewer Name	Atha Phillips
Environmental Resource Management Reviewer Name	Atha Phillips
Applicable Ordinance	
Watershed Name	Williamson Creek
Watershed Classification	<input type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban <input type="checkbox"/> Water Supply Suburban <input type="checkbox"/> Water Supply Rural <input type="checkbox"/> Barton Springs Zone



Edwards Aquifer Recharge Zone ☐ Barton Springs Segment ☐ Northern Edwards Segment  
☒ Not in Edwards Aquifer Zones

Edwards Aquifer Contributing Zone ☐ Yes ☒ No

Distance to Nearest Classified Waterway 1,600 Feet

Water and Waste Water service to be provided by City of Austin

Request The variance request is as follows (Cite code references: Variance from LDC 25-8-302 Construction on slopes in excess of 15 percent.

Impervious cover	Existing	Proposed
square footage:	<u>0</u>	<u>350,949</u>
acreage:	<u>0</u>	<u>8.06</u>
percentage:	<u>0%</u>	<u>25.37%</u>

Provide general description of the property (slope range, elevation range, summary of vegetation / trees, summary of the geology, CWQZ, WQTZ, CEFs, floodplain, heritage trees, any other notable or outstanding characteristics of the property)

The proposed Project consists of an 8.06 acre tract located at 2004 E. William Cannon Drive in south central Austin (Grid #H-15). The Project lies within the City of Austin of Austin Desired Development Zone. The subject tract is zoned LR and MF-3. The Project lies in the Williamson Creek watershed which is classified as a Suburban watershed. The Project slopes from west to east and is at an elevation lower than adjacent E. William Cannon Drive. Elevations range from 653 amsl at west side to 620 amsl at drainage easement along east line.

The subject tract lies east of the Balcones Fault. According to the Geologic Atlas of Texas, the site consists of the Quaternary High Gravel deposits. The terrace deposits normally include silty clays, marls, and gravels. See attached ERI prepared by Ranger Environmental Services, Inc.

The Project Site is bounded on the north by undeveloped land, and the east and west by existing multifamily residential development, and the south by East William Cannon Drive.

The site does not contain CEF's per attached ERI. No construction is proposed within the CWQZ or WQTZ of any tributary of Williamson Creek.

The proposed improvements include the construction of a 20,700 square foot mixed use center anchored by a food sales and meat market store.

The proposed impervious cover consists of buildings, parking and driveway

areas, and sidewalks. Improvements will include approximately 20,700 square feet of mixed use retail uses building. Approximately 89,356 square feet of impervious cover is required for parking, driveways, fire lanes and sidewalks. The site has a limited access point to E. William Cannon Drive requiring a joint use access easement with the neighboring tract.

Vegetation consists of primarily a heavy canopy of Ash Juniper, per attached ERI dated 5/16/16. Understory includes Elbow Bush, Cat Brier, Lindheimer Silk Tassel, and Texas Kidneywood. The landowner was subject to citations by Code Enforcement for littering. Several large homeless camps were discovered after clearing vegetation less than 8 inch diameter. Thus, site has been cleared of understory to provide security and ease of maintenance.

Clearly indicate in what way the proposed project does not comply with current Code (include maps and exhibits)

In order to construct the planned improvements and to provide reasonable access to the rear Lot 5, the driveway location is limited to the existing median cut in William Cannon Drive. The proposed driveway traverses existing slopes in excess of 15 percent. These slopes exist adjacent to E. William Cannon Drive and the flag segment of Lot 5 which lies along an existing drainage easement. The site area is dominated by slopes in excess of 15 percent slope. Slopes exceed 15 percent in over 44 percent of the tract. This Project limits impervious cover to driveway areas and water quality and detention pond construction within the area of 15 percent or greater slopes. See Slope Map attached.

### FINDINGS OF FACT

As required in LDC Section 25-8-41, in order to grant a variance the Land Use Commission must make the following findings of fact:

Include an explanation with each applicable finding of fact.

Project: La Mexicana Supermercado

Ordinance:

A. Land Use Commission variance determinations from Chapter 25-8-41 of the City Code:

1. The requirement will deprive the applicant of a privilege available to owners of similarly situated property with approximately contemporaneous development subject to similar code requirements.

Yes / No      The applicant is entitled to reasonable access to the lots he owns within the existing 81 William Cannon Joint Venture Subdivision as platted in 1987. The Applicant owns Lots 5, 6, and 1 in this Subdivision. Lots 5 and 6 have access to William Cannon. The safest access point is the existing median cut aligned with Elm Creek Drive on the opposite or south side of E. William Cannon Drive.

In order to provide reasonable access to the food sales store and future apartments, the Applicant worked with Staff to provide minimal driveway, fire lane, and pedestrian access requirements to reduce the overall impervious cover footprint. The resulting access drive provides safe access for delivery trucks and emergency service vehicles for the mixed use center on Lot 6 and the future multifamily development on Lot 5. The

water quality/detention pond as proposed will serve the commercial and future multifamily development, this also reduces the footprint of improvements within the slopes in excess of 15 percent.

2. The variance:

- a) Is not necessitated by the scale, layout, construction method, or other design decision made by the applicant, unless the design decision provides greater overall environmental protection than is achievable without the variance;

Yes / No The project area controlled by the Applicant consists of 8.06 acres. Of this total, approximately 3.55 acres or 44 percent of the site area exceeds slope of 15 percent. The Applicant chose to construct the building improvements in close proximity to his west line in order to limit encroachment into the slopes exceeding 15 percent. However, in order to provide appropriate parking spaces, driveways, fire lanes and delivery truck access, along with driveway access to future multifamily development on Lot 5, the Applicant encroaches the minimally possible on the slopes (greater than 15%)

- b) Is the minimum deviation from the code requirement necessary to allow a reasonable use of the property;

Yes / No The Applicant has worked with staff to minimize the impervious cover footprint approximately 6 percent from initial site layout or footprint.

- Alternative compliance for building placement and pedestrian access to rear lot (only one side) under Subchapter E,
- Minimized fire lane width at rear of building from 25 to 16 foot minimum (exception from Fire Marshal),
- Reduced driveway aisles for delivery trucks to the minimum required using auto turn turning radius analysis, and
- Reduced building dimensions and sidewalk canopies
  - Stair-stepped the grading and site contouring to minimize cut and fill depths as much as practically possible.
  - Overall impervious cover for Lots 5 and 6 is approximately 25.37 percent. In the future, upon building of future multifamily on Lot 5, the overall impervious cover will range from 45 to 55 percent.

- c) Does not create a significant probability of harmful environmental consequences.

Yes / No The applicant has worked with staff to increase the physical distance from the low area along the east side of the Lot 5 flag segment.

The proposed impervious cover is not located closer than 35 feet from the low point to the existing drainage conveyance channel. The Applicant has worked with Staff to provide a phased Erosion Control Plan which provides additional



downstream diversion and limits disturbed area at any one time during construction.

3. Development with the variance will result in water quality that is at least equal to the water quality achievable without the variance.

Yes / No	Development with the Variance will result in water quality equal to development without the variance. The project development shall provide water quality and detention for the proposed impervious cover. This variance allows treated runoff for a Project within the desired Development Zone and reduces the future commutes for area residents to be served by this mixed use center.
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- B. Additional Land Use Commission variance determinations for a requirement of Section 25-8-422 (Water Quality Transition Zone), Section 25-8-452 (Water Quality Transition Zone), Article 7, Division 1 (Critical Water Quality Zone Restrictions), or Section 25-8-652 (Development Impacting Lake Austin, Lady Bird Lake, and Lake Walter E. Long):

1. The criteria for granting a variance in Subsection (A) are met;

Yes / No	[provide summary of justification for determination]
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2. The requirement for which a variance is requested prevents a reasonable, economic use of the entire property;

Yes / No	[provide summary of justification for determination]
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3. The variance is the minimum deviation from the code requirement necessary to allow a reasonable, economic use of the entire property.

Yes / No	[provide summary of justification for determination]
----------	--

\*\*Variance approval requires all above affirmative findings.

## Exhibits for Commission Variance

- Aerial photos of the site
- Site photos
- Aerial photos of the vicinity
- Context Map—A map illustrating the subject property in relation to developments in the vicinity to include nearby major streets and waterways
- Topographic Map - A topographic map is recommended if a significant grade change on the subject site exists or if there is a significant difference in grade in relation to adjacent properties.
- For cut/fill variances, a plan sheet showing areas and depth of cut/fill with topographic elevations.
- Site plan showing existing conditions if development exists currently on the property
- Proposed Site Plan- full size electronic or at least legible 11x17 showing proposed development, include tree survey if required as part of site or subdivision plan
- Environmental Map – A map that shows pertinent features including Floodplain, CWQZ, WQTZ, CEFs, Setbacks, Recharge Zone, etc.
- An Environmental Resource Inventory pursuant to ECM 1.3.0 (*if required by 25-8-121*)
- Applicant's variance request letter





February 27, 2018

Atha Phillips, RLA, LI, LEED AP, Environmental Program Coordinator  
City of Austin Development Services Department  
505 Barton Springs Road  
Austin, TX 78704

**RE: LA MEXICANA SUPERMERCADO: 2004 E WILLIAM CANNON DRIVE  
CASE NO. SP-2016-0265C  
AUSTIN, TRAVIS COUNTY, TEXAS  
CCL 14-143**

**SUBJECT: CONSTRUCTION ON SLOPES IN EXCESS OF 15% (LDC 25-8-302)**

Dear Ms. Phillips:

The purpose of this letter is to present this variance request for construction on slopes in excess of 15 percent. The proposed development lies within the City of Austin full purpose jurisdiction and within the Desired Development Zone. The existing topography slopes west to east across the site and ranges generally from 10 to 14 percent. The elevation ranges from 620 to 653 amsl across this Site. Topographic and access constraints include:

- a. Location of existing median cut to provide safe access aligns with existing drainage easement or low area.
- b. Location of existing City of Austin drainage pipe from William Cannon Drive to this same low area.
- c. Elevation of site is lower than adjacent William Cannon Drive.


We modified the Site Layout various times from when it was first submitted in June 16, 2016, per Reviewers request, each time resulting in a smaller footprint than the initial submission and reducing the total construction on slopes in excess of 15 percent for the Project Site. The site footprint has been reduced approximately 6 percent during the review.

We respectfully request approval of this variance to the requirements specified in the City of Austin Land Development Code (LDC) Sections §30-8-302 for construction on slopes in excess of 15%. In order to accommodate the various topographic constraints and accessible routes and emergency access requirements, the proposed encroachment or building on these slopes is necessary.

Granting this variance is a minimal departure from the LDC regulation of Sections §30-8-302 to allow viable and safe access to Lots 5 and 6 of the 81 William Cannon Joint Venture Subdivision as platted in 1987. This allows reasonable grading on the site due to topographic relief and limited access.

In addition, approval of the variance will not provide special privileges to this Project that are not granted to other site developments.

Sincerely,



Hugo Elizondo, Jr., P.E.  
Manager

#### Attachments

1. Site Plan
2. Cut/Fill Exhibit
3. Slope Map
4. ERI prepared by Ranger Environmental

February 27, 2018



## ENVIRONMENTAL COMMISSION VARIANCE APPLICATION FORM


## PROJECT DESCRIPTION

## Applicant Contact Information

Name of Applicant	Hugo Elizondo, Jr., P.E./Cuatro Consultants, Ltd.
Street Address	3601 Kyle Crossing, Suite A
City State ZIP Code	Kyle, TX 78640
Work Phone	512-312-5040
E-Mail Address	

## Variance Case Information

Case Name	La Mexicana Supermercado
Case Number	SP-2017-0306C
Address or Location	2004 E. William Cannon
Environmental Reviewer Name	Atha Phillips
Environmental Resource Management Reviewer Name	Atha Phillips
Applicable Ordinance	
Watershed Name	Williamson Creek
Watershed Classification	<input type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban <input type="checkbox"/> Water Supply Suburban <input type="checkbox"/> Water Supply Rural <input type="checkbox"/> Barton Springs Zone

Edwards Aquifer Recharge Zone	<input type="checkbox"/> Barton Springs Segment <input checked="" type="checkbox"/> Not in Edwards Aquifer Zones	<input type="checkbox"/> Northern Edwards Segment
Edwards Aquifer Contributing Zone	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Distance to Nearest Classified Waterway	1,600 Feet	
Water and Waste Water service to be provided by	City of Austin	
Request	The variance request is as follows (Cite code references: Variance from LDC 25-8-341, Cut over 4 feet.	

Impervious cover	Existing	Proposed
square footage:	<u>0</u>	<u>350,949</u>
acreage:	<u>0</u>	<u>8.06</u>
percentage:	<u>0%</u>	<u>25.37%</u>

Provide general description of the property (slope range, elevation range, summary of vegetation / trees, summary of the geology, CWQZ, WQTZ, CEFs, floodplain, heritage trees, any other notable or outstanding characteristics of the property)

The proposed Project consists of an 8.06 acre tract located at 2004 E. William Cannon Drive in south central Austin (Grid #H-15). The Project lies within the City of Austin of Austin Desired Development Zone. The subject tract is zoned LR and MF-3. The Project lies in the Williamson Creek watershed which is classified as a Suburban watershed. The Project slopes from west to east and is at an elevation lower than adjacent E. William Cannon Drive. Elevations range from 653 amsl at west side to 620 amsl at drainage easement along east line.

The subject tract lies east of the Balcones Fault. According to the Geologic Atlas of Texas, the site consists of the Quaternary High Gravel deposits. The terrace deposits normally include silty clays, marls, and gravels. See attached ERI prepared by Ranger Environmental Services, Inc.

The Project Site is bounded on the north by undeveloped land, and the east and west by existing multifamily residential development, and the south by East William Cannon Drive.

The site does not contain CEF's per attached ERI. No construction is proposed within the CWQZ or WQTZ of any tributary of Williamson Creek.

The proposed improvements include the construction of a 20,700 square foot mixed use center anchored by a food sales and meat market store.

The proposed impervious cover consists of buildings, parking and driveway

areas, and sidewalks. Improvements will include approximately 20,700 square feet of mixed use retail uses building. Approximately 89,356 square feet of impervious cover is required for parking, driveways, fire lanes and sidewalks. The site has a limited access point to E. William Cannon Drive requiring a joint use access easement with the neighboring tract.

Vegetation consists of primarily a heavy canopy of Ash Juniper, per attached ERI dated 5/16/16. Understory includes Elbow Bush, Cat Brier, Lindheimer Silk Tassel, and Texas Kidneywood. The landowner was subject to citations by Code Enforcement for littering. Several large homeless camps were discovered after clearing vegetation less than 8 inch diameter. Thus, site has been cleared of understory to provide security and ease of maintenance.



Clearly indicate in what way the proposed project does not comply with current Code (include maps and exhibits)

The proposed layout was developed by the applicant to provide visibility to the mixed use center on Lot 6. The grading on the site was completed in a manner to step down with the land. The site includes a retaining wall along the west side at a height of about 6 feet maximum. The site is then flattened to provide safe vehicular and pedestrian access. The site elevations vary almost 30 feet across the site. This cut variance is for the excavation required along the west side to provide site visibility and user friendly slopes across the development. See Cut/Fill Exhibit.

This cut variance is complimented by a corresponding fill variance along the east side of the tract.

### FINDINGS OF FACT

As required in LDC Section 25-8-41, in order to grant a variance the Land Use Commission must make the following findings of fact:

Include an explanation with each applicable finding of fact.

Project: La Mexicana Supermercado

Ordinance:

A. Land Use Commission variance determinations from Chapter 25-8-41 of the City Code:

1. The requirement will deprive the applicant of a privilege available to owners of similarly situated property with approximately contemporaneous development subject to similar code requirements.

Yes / No      The applicant is entitled to reasonable access to the lots he owns within the existing 81 William Cannon Joint Venture Subdivision as platted in 1987. The Applicant owns Lots 5, 6, and 1 in this Subdivision. Lots 5 and 6 have access to William Cannon. The safest access point is the existing median cut aligned with Elm Creek Drive on the opposite or south side of E. William Cannon Drive.

In order to provide reasonable access to the food sales store and future apartments, the Applicant worked with Staff to provide minimal driveway, fire lane, and pedestrian access requirements to reduce the overall impervious cover footprint. The resulting access drive provides safe access for delivery trucks and emergency service vehicles for the mixed use center on Lot 6 and the future multifamily development on Lot 5. The



water quality/detention pond as proposed will serve the commercial and future multifamily development, this also reduces the footprint of improvements within the slopes in excess of 15 percent.

2. The variance:

- a) Is not necessitated by the scale, layout, construction method, or other design decision made by the applicant, unless the design decision provides greater overall environmental protection than is achievable without the variance;

Yes / No The project area controlled by the Applicant consists of 8.06 acres. Of this total, approximately 3.55 acres or 44 percent of the site area exceeds slope of 15 percent. The Applicant chose to construct the building improvements in close proximity to his west line in order to limit encroachment into the slopes exceeding 15 percent and cut/fill depths. However, in order to provide appropriate parking spaces, driveways, fire lanes and delivery truck access, along with driveway access to future multifamily development on Lot 5, the Applicant must construct cut and fills in excess of 4 feet.

- b) Is the minimum deviation from the code requirement necessary to allow a reasonable use of the property;

Yes / No The Applicant has worked with staff to minimize the impervious cover footprint approximately 6 percent from initial site layout or footprint.

- Alternative compliance for building placement and pedestrian access to rear lot (only one side) under Subchapter E,
- Minimized fire lane width at rear of building from 25 to 16 foot minimum (exception from Fire Marshal),
- Reduced driveway aisles for delivery trucks to the minimum required using auto turn turning radius analysis, and
- Reduced building dimensions and sidewalk canopies
  - Stair-stepped the grading and site contouring to minimize cut and fill depths as much as practically possible.
  - Overall impervious cover for Lots 5 and 6 is approximately 25.37 percent. In the future, upon building of future multifamily on Lot 5, the overall impervious cover will range from 45 to 55 percent.

- c) Does not create a significant probability of harmful environmental consequences.

Yes / No The applicant has worked with staff to increase the physical distance from the low area along the east side of the Lot 5 flag segment.

The proposed impervious cover is not located closer than 35 feet from the low point to the existing drainage conveyance channel. The Applicant has worked with Staff to provide a phased Erosion Control Plan which provides additional

downstream diversion and limits disturbed area at any one time during construction.

3. Development with the variance will result in water quality that is at least equal to the water quality achievable without the variance.

Yes / No      Development with the Variance will result in water quality equal to development without the variance. The project development shall provide water quality and detention for the proposed impervious cover. This variance allows treated runoff for a Project within the desired Development Zone and reduces the future commutes for area residents to be served by this mixed use center.

- B. Additional Land Use Commission variance determinations for a requirement of Section 25-8-422 (Water Quality Transition Zone), Section 25-8-452 (Water Quality Transition Zone), Article 7, Division 1 (Critical Water Quality Zone Restrictions), or Section 25-8-652 (Development Impacting Lake Austin, Lady Bird Lake, and Lake Walter E. Long):

1. The criteria for granting a variance in Subsection (A) are met;

Yes / No      [provide summary of justification for determination]

2. The requirement for which a variance is requested prevents a reasonable, economic use of the entire property;

Yes / No      [provide summary of justification for determination]

3. The variance is the minimum deviation from the code requirement necessary to allow a reasonable, economic use of the entire property.

Yes / No      [provide summary of justification for determination]

\*\*Variance approval requires all above affirmative findings.



February 27, 2018

Atha Phillips, RLA, LI, LEED AP, Environmental Program Coordinator  
City of Austin Development Services Department  
505 Barton Springs Road  
Austin, TX 78704

**RE: LA MEXICANA SUPERMERCADO: 2004 E WILLIAM CANNON DRIVE  
CASE NO. SP-2016-0265C  
AUSTIN, TRAVIS COUNTY, TEXAS  
CCL 14-143**

**SUBJECT: CUT/FILL VARIANCE (LDC 25-8-341 AND LDC 25-8-342)**

Dear Ms. Phillips:

The purpose of this letter is to present this variance request for cuts and fills in excess of feet for the referenced project. The proposed development lies within the City of Austin full purpose jurisdiction and within the Desired Development Zone. The existing topography slopes west to east across the site and ranges generally from 10 to 14 percent. The elevation ranges from 620 to 653 amsl across this Site. Topographic and access constraints include:

- a. Location of existing median cut to provide safe access aligns with existing drainage easement or low area.
- b. Location of existing City of Austin drainage pipe from William Cannon Drive to this same low area.
- c. Elevation of site is lower than adjacent William Cannon Drive.

We modified the Site Layout various times from when it was first submitted in June 16, 2016, per Reviewers request, each time resulting in a smaller footprint than the initial submission and reducing the total cut/fill for the Project Site. The site footprint has been reduced approximately 6 percent during the review.

We respectfully request approval of this variance to the requirements specified in the City of Austin Land Development Code (LDC) Sections §25-8-341 and §25-8-342 for cut and fill greater than 4 feet. In order to accommodate the various topographic constraints and accessible routes and emergency access requirements, the maximum proposed fill is approximately 20 feet.

The proposed driveway and internal circulation route construction will exceed 4 foot of fill due to topography on the site. The maximum cut depth on the site for lot grading is 6 feet. The proposed retaining wall to support the internal circulation route to provide access to Lot 5 at the rear of Lot 6 will range in height from 2 to 20 feet.

Granting this variance is a minimal departure from the LDC regulation of Sections §30-8-341 and §30-8-342 to allow viable and safe access to Lots 5 and 6 of the 81 William Cannon Joint Venture Subdivision as platted in 1987.

In addition, approval of the variance will not provide special privileges to this Project that are not granted to other site developments.

Sincerely,



Hugo Elizondo, Jr., P.E.  
Manager

#### Attachments

1. Site Plan
2. Cut/Fill Exhibit
3. Slope Map
4. ERI prepared by Ranger Environmental Services, Inc.



February 27, 2018



## ENVIRONMENTAL COMMISSION VARIANCE APPLICATION FORM

## PROJECT DESCRIPTION

## Applicant Contact Information

Name of Applicant	Hugo Elizondo, Jr., P.E./Cuatro Consultants, Ltd.
Street Address	3601 Kyle Crossing, Suite A
City State ZIP Code	Kyle, TX 78640
Work Phone	512-312-5040
E-Mail Address	

## Variance Case Information

Case Name	La Mexicana Supermercado
Case Number	SP-2017-0306C
Address or Location	2004 E. William Cannon
Environmental Reviewer Name	Atha Phillips
Environmental Resource Management Reviewer Name	Atha Phillips
Applicable Ordinance	

Watershed Name	Williamson Creek
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Watershed Classification	<input type="checkbox"/> Urban	<input checked="" type="checkbox"/> Suburban	<input type="checkbox"/> Water Supply Suburban
	<input type="checkbox"/> Water Supply Rural	<input type="checkbox"/> Barton Springs Zone	

February 27, 2018

Edwards Aquifer Recharge Zone ☐ Barton Springs Segment ☐ Northern Edwards Segment  
☒ Not in Edwards Aquifer Zones

Edwards Aquifer Contributing Zone ☐ Yes ☒ No

Distance to Nearest Classified Waterway 1,600 Feet

Water and Waste Water service to be provided by City of Austin

Request The variance request is as follows (Cite code references: Variance from LDC 25-8-342, Fill over 4 feet.

Impervious cover	Existing	Proposed
square footage:	<u>0</u>	<u>350,949</u>
acreage:	<u>0</u>	<u>8.06</u>
percentage:	<u>0%</u>	<u>25.37%</u>

Provide general description of the property (slope range, elevation range, summary of vegetation / trees, summary of the geology, CWQZ, WQTZ, CEFs, floodplain, heritage trees, any other notable or outstanding characteristics of the property)

The proposed Project consists of an 8.06 acre tract located at 2004 E. William Cannon Drive in south central Austin (Grid #H-15). The Project lies within the City of Austin of Austin Desired Development Zone. The subject tract is zoned LR and MF-3. The Project lies in the Williamson Creek watershed which is classified as a Suburban watershed. The Project slopes from west to east and is at an elevation lower than adjacent E. William Cannon Drive. Elevations range from 653 amsl at west side to 620 amsl at drainage easement along east line.

The subject tract lies east of the Balcones Fault. According to the Geologic Atlas of Texas, the site consists of the Quaternary High Gravel deposits. The terrace deposits normally include silty clays, marls, and gravels. See attached ERI prepared by Ranger Environmental Services, Inc.

The Project Site is bounded on the north by undeveloped land, and the east and west by existing multifamily residential development, and the south by East William Cannon Drive.

The site does not contain CEF's per attached ERI. No construction is proposed within the CWQZ or WQTZ of any tributary of Williamson Creek.

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areas, and sidewalks. Improvements will include approximately 20,700 square feet of mixed use retail uses building. Approximately 89,356 square feet of impervious cover is required for parking, driveways, fire lanes and sidewalks. The site has a limited access point to E. William Cannon Drive requiring a joint use access easement with the neighboring tract.

Vegetation consists of primarily a heavy canopy of Ash Juniper, per attached ERI dated 5/16/16. Understory includes Elbow Bush, Cat Brier, Lindheimer Silk Tassel, and Texas Kidneywood. The landowner was subject to citations by Code Enforcement for littering. Several large homeless camps were discovered after clearing vegetation less than 8 inch diameter. Thus, site has been cleared of understory to provide security and ease of maintenance.

Clearly indicate in what way the proposed project does not comply with current Code (include maps and exhibits)

The proposed layout was developed by the applicant to provide visibility to the mixed use center on Lot 6. The grading on the site was completed in a manner to step down with the land. The site includes a retaining wall along the east side at a height of about 20 feet maximum. The site is flattened from east to west to provide safe vehicular and pedestrian access. The site elevations vary almost 30 feet across the site. This fill variance is for the embankment required along the east side to provide site visibility and user friendly slopes across the development. See Cut/Fill Exhibit.

This fill variance is complimented by a corresponding cut variance along the west side of the tract.

### FINDINGS OF FACT

As required in LDC Section 25-8-41, in order to grant a variance the Land Use Commission must make the following findings of fact:

Include an explanation with each applicable finding of fact.

Project: La Mexicana Supermercado

Ordinance:

A. Land Use Commission variance determinations from Chapter 25-8-41 of the City Code:

1. The requirement will deprive the applicant of a privilege available to owners of similarly situated property with approximately contemporaneous development subject to similar code requirements.

**Yes** / No      The applicant is entitled to reasonable access to the lots he owns within the existing 81 William Cannon Joint Venture Subdivision as platted in 1987. The Applicant owns Lots 5, 6, and 1 in this Subdivision. Lots 5 and 6 have access to William Cannon. The safest access point is the existing median cut aligned with Elm Creek Drive on the opposite or south side of E. William Cannon Drive.

In order to provide reasonable access to the food sales store and future apartments, the Applicant worked with Staff to provide minimal driveway, fire lane, and pedestrian access requirements to reduce the overall impervious cover footprint. In addition, the grading was stepped down to minimize fills. The resulting fills range from 0 to 20 feet.

February 27, 2018

The resulting access drive provides safe access for delivery trucks and emergency service vehicles for the mixed use center on Lot 6 and the future multifamily development on Lot 5. The water quality/detention pond as proposed will serve the commercial and future multifamily development, this also reduces the footprint of improvements within the slopes in excess of 15 percent.

2. The variance:

- a) Is not necessitated by the scale, layout, construction method, or other design decision made by the applicant, unless the design decision provides greater overall environmental protection than is achievable without the variance;

Yes / No The project area controlled by the Applicant consists of 8.06 acres. Of this total, approximately 3.55 acres or 44 percent of the site area exceeds slope of 15 percent. The Applicant chose to construct the building improvements in close proximity to his west line in order to limit encroachment into the slopes exceeding 15 percent and cut/fill depths. However, in order to provide appropriate parking spaces, driveways, fire lanes and delivery truck access, along with driveway access to future multifamily development on Lot 5, the Applicant must construct cut and fills in excess of 4 feet.

- b) Is the minimum deviation from the code requirement necessary to allow a reasonable use of the property;

Yes / No The Applicant has worked with staff to minimize the impervious cover footprint approximately 6 percent from initial site layout or footprint.

- Alternative compliance for building placement and pedestrian access to rear lot (only one side) under Subchapter E,
- Minimized fire lane width at rear of building from 25 to 16 foot minimum (exception from Fire Marshal),
- Reduced driveway aisles for delivery trucks to the minimum required using auto turn turning radius analysis, and
- Reduced building dimensions and sidewalk canopies
  - Stair-stepped the grading and site contouring to minimize cut and fill depths as much as practically possible.
  - Overall impervious cover for Lots 5 and 6 is approximately 25.37 percent. In the future, upon building of future multifamily on Lot 5, the overall impervious cover will range from 45 to 55 percent.

- c) Does not create a significant probability of harmful environmental consequences.

Yes / No The applicant has worked with staff to increase the physical distance from the low area along the east side of the Lot 5 flag segment.

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The proposed impervious cover is not located closer than 35 feet from the low point to the existing drainage conveyance channel. The Applicant has worked with Staff to provide a phased Erosion Control Plan which provides additional downstream diversion and limits disturbed area at any one time during construction.

3. Development with the variance will result in water quality that is at least equal to the water quality achievable without the variance.

Yes / No      Development with the Variance will result in water quality equal to development without the variance. The project development shall provide water quality and detention for the proposed impervious cover. This variance allows treated runoff for a Project within the desired Development Zone and reduces the future commutes for area residents to be served by this mixed use center.

- B. Additional Land Use Commission variance determinations for a requirement of Section 25-8-422 (Water Quality Transition Zone), Section 25-8-452 (Water Quality Transition Zone), Article 7, Division 1 (Critical Water Quality Zone Restrictions), or Section 25-8-652 (Development Impacting Lake Austin, Lady Bird Lake, and Lake Walter E. Long):

1. The criteria for granting a variance in Subsection (A) are met;

Yes / No      [provide summary of justification for determination]

2. The requirement for which a variance is requested prevents a reasonable, economic use of the entire property;

Yes / No      [provide summary of justification for determination]

3. The variance is the minimum deviation from the code requirement necessary to allow a reasonable, economic use of the entire property.

Yes / No      [provide summary of justification for determination]

\*\*Variance approval requires all above affirmative findings.





February 27, 2018

Atha Phillips, RLA, LI, LEED AP, Environmental Program Coordinator  
City of Austin Development Services Department  
505 Barton Springs Road  
Austin, TX 78704

**RE: LA MEXICANA SUPERMERCADO: 2004 E WILLIAM CANNON DRIVE  
CASE NO. SP-2016-0265C  
AUSTIN, TRAVIS COUNTY, TEXAS  
CCL 14-143**

**SUBJECT: CUT/FILL VARIANCE (LDC 25-8-341 AND LDC 25-8-342)**

Dear Ms. Phillips:

The purpose of this letter is to present this variance request for cuts and fills in excess of feet for the referenced project. The proposed development lies within the City of Austin full purpose jurisdiction and within the Desired Development Zone. The existing topography slopes west to east across the site and ranges generally from 10 to 14 percent. The elevation ranges from 620 to 653 amsl across this Site. Topographic and access constraints include:

- a. Location of existing median cut to provide safe access aligns with existing drainage easement or low area.
- b. Location of existing City of Austin drainage pipe from William Cannon Drive to this same low area.
- c. Elevation of site is lower than adjacent William Cannon Drive.

We modified the Site Layout various times from when it was first submitted in June 16, 2016, per Reviewers request, each time resulting in a smaller footprint than the initial submission and reducing the total cut/fill for the Project Site. The site footprint has been reduced approximately 6 percent during the review.

We respectfully request approval of this variance to the requirements specified in the City of Austin Land Development Code (LDC) Sections §25-8-341 and §25-8-342 for cut and fill greater than 4 feet. In order to accommodate the various topographic constraints and accessible routes and emergency access requirements, the maximum proposed fill is approximately 20 feet.

The proposed driveway and internal circulation route construction will exceed 4 foot of fill due to topography on the site. The maximum cut depth on the site for lot grading is 6 feet. The proposed retaining wall to support the internal circulation route to provide access to Lot 5 at the rear of Lot 6 will range in height from 2 to 20 feet.

Granting this variance is a minimal departure from the LDC regulation of Sections §30-8-341 and §30-8-342 to allow viable and safe access to Lots 5 and 6 of the 81 William Cannon Joint Venture Subdivision as platted in 1987.

In addition, approval of the variance will not provide special privileges to this Project that are not granted to other site developments.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Hugo Elizondo, Jr.', is written over the printed name and title.

Hugo Elizondo, Jr., P.E.  
Manager

#### Attachments

1. Site Plan
2. Cut/Fill Exhibit
3. Slope Map
4. ERI prepared by Ranger Environmental Services, Inc.